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The Effectiveness of Enforcement mechanisms in Protection of Women's Rights to Work: A Specific Focus to the Committee on Elimination of All Forms of Discriminations Against Women

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Abstract

This study critically analyses the effectiveness of enforcement mechanisms in the protection of women's rights to work with a specific focus on the role of the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). The article examines the Committee's mandate to ensure compliance through general recommendations and reporting procedure. Despite widespread ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, enforcement of its provisions remains a challenge especially in conflicts affected States like Afghanistan. Using a qualitative doctrinal research methodology, the article analyses barriers hindering the CEDAW Committee from monitoring treaty obligations related to women's rights to work at domestic level. Through a comparative analysis of three countries, Tanzania, South Africa and Afghanistan the study explores how differing domestic and regional contexts affect the Committee's ability to monitor and influence compliance. Tanzania and South Africa are used as reference points for positive practices while Afghanistan is analysed as a case of non-compliance. The analysis reveals critical weakness in enforcement mechanisms like lack of binding nature of its recommendations, lack of regional human rights mechanisms, ineffective national human rights institutions, State sovereignty principle, Lack of Non-government Organization participation as well as conflict in interpretation of Islamic sharia. The article concluded by proposing strategic recommendations which enable effective protection of women's rights to work.

Keywords: Human right, right to work, women's right to work, State compliance, enforcement Mechanisms

1.1 Introduction

The protection of women's rights to work is one among the fundamental rights recognized under several international human rights instruments including the international Covenant on Civil and Political Rights (ICCPR), International Covenant of Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Discriminations Against Women (CEDAW), and standards established by the International Labour Organizations (ILO). The right to work for women is specifically protected under CEDAW Convention which obligates State parties to take appropriate legislative, administrative and policy measures ensure equal access and protection of right to work at domestic level.

The Convention guarantees the right to work as inherent human right applicable to all individuals, including women. All States that have ratified CEDAW are bound to fulfil their obligations by eliminating legal, structural and social barriers that hinder women's access to employment. They are expected to integrate the principles of non-discrimination and equality into national legislation, policy framework and institutional practices. This includes the enactment and enforcement of gender-sensitive Labor laws, implementation of affirmative actions measures where necessary and establishing enforcement mechanisms to monitor compliance.

However, despite ratification of CEDAW Convention the implementation and enforcement of women's right to work remains challenge across different jurisdictions. Many countries



continue to face changes in translating international human rights norms and obligations into domestic realities, especially conflict affected countries like Afghanistan where establishment of decrees like the Law of propagation of Virtue and Prevention of Vice which restrict women's freedom of movement have several impacts to women's Labor rights. By undertaking a comparative analysis of Tanzania, South Africa and Afghanistan, the article highlights gaps in compliance, differences in states responses and impact of regional, political and socio-cultural contexts in enforcement outcomes.

1.2 The effectiveness of the Committee on the Elimination of All Forms of Discrimination Against Women in Protection of Women Right to Work Among State Parties

The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) plays a central role in monitoring State parties' compliance with their obligations under the Convention on the Elimination of all Forms of Discrimination Against Women.ⁱ It is empowered to interpret the Convention's provisions to ensure protection of women's rights including right to work.ⁱⁱ CEDAW Committee assess the progress made by State parties through consideration periodic reports. The Committee provides obligation to every member state to submit an initial report within one year after ratification and subsequent reports every four years, detailing legal, policy and institutional development since ratification.ⁱⁱⁱ

Upon a report submitted, State parties shall state if there is any reservation. The Committee is also, empowered at any time to call for submission of further report during their sessions, on current situation of the country. The Committee also have a mandate to receiving complaints from an individual, other member states as well as from Non-government Organizations in case a State is a violator of human right enshrined in the Convention.^{iv} The mechanism of individual complaints, inquiries or inter-state communication and state rapporteurs or Non-government Organization to bring a case is depend on whether State has accepted and Optional Protocol to CEDAW. Thus, in case a State has not ratified Optional Protocol to the Convention, individual or group of people or another state parties will not be allowed to bring the complaint.

In matters relate to protection of women's right to work, through mechanism of periodic report the Committee has a mandate to review report and observe on whether rights under CEDAW have been protected under national law. If the Committee observe that, there is massive violation of women's rights including right to work, it shall adopt general recommendations to give effect at national level^v However, The Committee has identified widespread non-compliance of State parties. For example, Afghanistan which ratified CEDAW in 2003, has submitted only four reports instead of six by 2024. Similarly, Tanzania from 1998 to 2024 submitted 8 out of 10 reports. This delay and irregularity, signal a gap in State commitment to monitoring obligations of submitting periodic

report on the progress made at domestic level to protect women's rights including right to work.

1.3 Reasons for Protection of Women's Right to Work

The protection of women's right to work is not merely a matter of equality but also fundamental requirement for achieving suitable development, social justice and respect of human dignity. Before delving into the specific reasons, it is essential to understanding that work is a powerful toll for empowerment and the denial of this right perpetuates cycles of discrimination and poverty. The following analysis explores the core justifications for prioritizing the protection of women's right to work under national and international human rights system

13.1.To Enhance Gender Equality and Social Justice

Protecting women's rights to work is essential for advancing gender equality, and social justice. Historically, women have faced exclusion and discrimination in labour rights, often being relegated to low-paying, barred entirely from certain sectors as well as insecure jobs. When women are denied the right to work, they are economically dis-empowered and socially marginalized, which led to gender inequality. By ensuring equal access to employment opportunities States helps break down structural barriers that perpetuate inequality. In Countries like Tanzania, progressive legal frameworks such as the National Employment Policy (NEP) and the *Employment and Labour Relation Act* have been instrumental in promoting equal treatment in the workplace, addressing historical injustices that excluded women, particularly black women from economic participation.^{vi}

1.3.2. To Reduce Poverty and Promoting Economic Development

The protection of women's rights to work is a critical strategy for control poverty and achieving sustainable economic development at national and family level. Globally, studies by institutions like the World Bank and International Labour Organizations have consistently shown that when women are empowered economically, there is a significant impact on household income, child welfare as well as national Gross Domestic Product (GDP). This is particularly true in mostly developing countries like Afghanistan, where women often form a large proportion of the informal sectors.^{vii} Restricting them to access employment opportunities not only deepens cycles of poverty but also undercuts national productivity. In Tanzania the relationship between women's economic participation and poverty alleviation is evident in various grassroots initiatives. Programs such as the Tanzania Social Action Fund (TASAF) and Village Community Banks (VICOBA), has provided platform for women to generate income, build businesses and support household livelihoods. Despite socio-cultural barriers, many women in rural areas have been able to lift their families out of poverty through these employment linked programs. National Strategy for Growth and Reduction of Poverty (NSGRP) explicitly recognize women's economic empowerment as core pillar in reducing income inequality.

1.4 Challenges Facing the Committee of the Elimination of All Forms of Discriminations Against Women in protection of Women Right to Work

The Committee on the Elimination of All Forms of Discriminations Against Women have designed to monitoring State parties' implementation of obligations under the CEDAW Convention. While they doing their works, these bodies often they hinder with several challenges. Although the Committee has designed mechanisms to ensure compliance such as periodic report and general recommendations, its effectiveness is often hindered by several institutional, political and legal challenges. In this part, focuses on the obstacles faced by CEDAW Committee in relation to the protection of women's right to work in Afghanistan. These challenges included but not limited to the following

1.4.1. Lack of effective Enforcement Mechanisms

Lack of effective enforcement mechanisms remains a significant challenge to the CEDAW Committee's ability to ensure full implementation of treaty obligations by State parties.^{viii} One of the main mechanism available to the Committee is the reporting procedure under Article 18 of CEDAW Convention, which provide obligation for every State parties to submit period report of every four years after its ratification on measures that has been taken at domestic level to protect all women's rights including right to work.^{ix} This report also contains all barriers which hinder the implementation of CEDAW obligations within a respectively State. The nature of this mechanism in some extent is weak, due to lack of binding legal enforcement provisions such as sanctions that would mandate State parties to respect subsequent report as the result many State parties fails to submit properly their progressive measures. This hinder CEDAW Committee to protect women's rights including right to work, since there are no clear reports on ongoing situation of States.

Moreover, the Committee of CEDAW is not empowered to issue judgements, rather its decisions referred to as general recommendations. These recommendations lack legal binding force for State parties to comply with its decisions.^x Taking Afghanistan as a key example, the country's failure to comply with Committee's recommendations to protect women's right including right to work, and thus, hinder the Committee to work effectively.^{xi} Afghanistan ratified CEDAW which recognize the protection of right to work without discrimination but since ratification there is nothing substantial to give effect at national level. Women are still suffering to access right to work, due to restriction of their freedom of movement. In 2024 CEDAW Committee received a fourth periodic report of Afghanistan which indicates that, Afghan women are restricted to work from NGOs, health sectors as well as access to employment sites if they are not accompanied with male relatives.^{xii}

In 24, June 2025 the Committee on the Elimination of Discrimination against Women held the 2161st meeting and made general recommendations through the observation of fourth report

and recommended that, Afghanistan has to uphold with international human rights standards by ensure gender equality and remove all barriers which hinder the accessibility of women's rights including right to employment to strengthening the Law on the Elimination of Violence against Women.^{xiii} Since this recommendation, CEDAW Committee still observe ongoing discrimination of Afghan women particularly to access right to work. Employment dropped 25 per cent between the second quarter of 2021 and the fourth quarter of 2022, where by March 22, 61% of women had lost their jobs, resulting in an economic loss for the country estimated between \$ 600 million and \$ 1 billion.^{xiv}

In July 2025 the UN Committee on the Elimination of Discrimination against Women held a meeting to issue its finding on ten Countries including Afghanistan. The Committee indicate that, despite the general recommendation of June 2025, 78% of Afghan young women are out of employment as the result high rate of Afghan women suffering with poverty. As this shows that, although there are mechanisms in place to drive compliance with the CEDAW obligations in protection of women's rights, but the mechanisms are limited by the fact that, they are non-enforceable, require the willingness of the State parties to comply with treaty's obligation to uphold protection of human rights. Absence of enforceable legal obligations renders the Committee's ability to monitor its obligations. It left with only soft tools like dialogue, recommendations and public pressure which are often ineffective in repressive regimes like Taliban.

Lastly, limitation of the CEDAW Committee's complaint mechanism significantly affects its ability to enforce protection of women's rights including right to work. This mechanism allows women or group of women to submit complaint directly to the Committee when they believe their rights under the Convention have been violated. However, the procedure under this mechanism is weak to provide the desirable effect. The jurisdiction of the Committee to receive such complaint is not automatic as its only applies to those State parties that have voluntarily ratifies the Optional Protocol. This voluntary nature creates a critical gap in the enforcement of CEDAW's obligations, particularly in countries like Afghanistan which has not ratified the Optional Protocol. This procedure may operate well to the countries like Tanzania and South Africa which have ratified Optional Protocol and where formal legal structures exist and courts are functioning proper, thus women can access to courts. Even though the challenges remain to nature of mechanism which need the Committee to exhaust domestic remedies. Meaning that, Women must first pursue all available legal options within their country before bring the complaint to the Committee. This become problem if domestic remedies are not-existent, ineffective or inaccessible.

1.4.2. State Sovereignty

Sovereignty is one among the principle of international law which recognized under the *UN-Charter* according to Article 2(1), need United Nations Organizations to respect the principle of state sovereignty to all its members. The principle needs State parties to the United Nations to fulfil its obligations in a good faith.^{xv}



Meaning that, the principle of State sovereignty empowered member States to comply with international human rights obligations according to State's willingness or political will. In the countries like Tanzania and South Africa, respect for human rights including right to work is generally embraced as a constitutional and international obligations. Both of these two States have ratified CEDAW and its Optional Protocol, demonstrating good faith in complying with their treaty commitments. The government of Tanzania and South Africa engage constructively with CEDAW Committee's monitoring mechanisms, submitting periodic reports as well as comply with general recommendations into national legislation and allow civil society participation. This compliance facilitates the mandate of the Committee to work effectively in protection of women's rights including right to work. In comparing with applicability of the principle of State sovereignty in Afghanistan is quite different, challenging the Committee's ability to monitor treaty's obligations including the obligation of protecting women's right to work.

It's argued that, Afghanistan own obligation to respect, protecting all economic rights by ensure that, women are not violated their basic rights including right to work since ratification of CEDAW. According to Article 7 of the *Constitution of Islamic Republic of Afghanistan* provides for the recognition of the Universal Declaration of Human Rights and requirement of the State to observe the obligations of international treaties to which Afghanistan has joined. Again, Labour Law of Afghanistan is also, provides for the requirement of the State to observe International Labour Organization's Conventions, decisions and recommendations as well as other Conventions which has ratified to ensure protection of workers and their rights.^{xvi} The implementation of these provision has become weaker because of the principle of sovereignty. Political will of Afghanistan reflects Islamic orders and sharia as a result women are the one who affected. Taliban provides that, establishment of the Law of Propagation of Virtue and Prevention of Vice is because of morality of Islamic law which has recognize under the Constitution of Islamic Republic of Afghanistan.^{xvii} The law comes to affect women on the ground that, it restricts women's freedom of movement as the result, women fail to access basic rights including right to work.^{xviii}

According to Article 20(5) of the *Law of Propagation of Virtue and Prevention of Vice*^{xix}, prohibit drivers of commercial vehicles from transporting women who are not accompanied with male relatives. This restriction is amount to violation for freedom of movement which affect many rights of women including right to access employment. The phrase of this provision indicates that, if a woman doesn't have male relative as a result of war or other reasons, she will not have a full right to movement nor to work. Afghan women will not be able to support their families without access to work.^{xx} In 2021, women employees in the Kabul city government, working in hospital as medical personnel and that from school and university as teachers were told to stay at home and replaced by men.^{xxi} According to them, the order was provided according to the interpretation of Islamic sharia.^{xxii}

This tension between State sovereignty and international enforcement reflects a fundamental limitation within the global human rights regime. While sovereignty remains the principle of international law, it can be misused by States to evade accountability especially in countries like Afghanistan. Tanzania and South Africa demonstrate how sovereign States can exercise their authority while respect of international human rights norms, facilitating the CEDAW Committee to enforce protection of women's rights to work. This different approach of State sovereignty in different States can severely undermine the universal application of women's rights protection. There is the need to rethink enforcement strategies in contexts where sovereignty is used to justify non-compliance, ensure that the principle does not become barrier to justice for women

1.4.3. Banning of Non-governmental Organizations (NGOs) Participation

Non-governmental Organizations (NGOs) serve as critical agents in monitoring international human rights obligations. Under the CEDAW framework, NGOs are recognized as vital partners, particularly through their participation in the Committee's pre-sessional working groups, where they present shadow reports (presenting data) and comment on the Committee's draft general recommendations which address a wide variety of topics in CEDAW and elaborate upon State obligations. NGOs reports often expose realities which are not captured in constructive party's submissions. They assisting the Committee to frame the list of issues to guide State dialogue with States during periodic review sessions. NGOs also has been instrumental in assisting victims of alleged rights violations to bring individual complaints before the Committee. For example, in countries like Tanzania, the inclusion of NGOs in the reporting process has enriched the CEDAW Committee to understanding women's challenges. NGOs such as the Tanzania gender Networking Programme (TGNP) have consistently submitted shadow reports and participate in sessions. This enhances transparency and accountability in assessing women's right to work and related issues.

This becomes a major challenge when NGOs are banned as seen in the country like Afghanistan. Taliban's decision to ban of NGOs, particularly those working to advocating women's rights has undermines the Committee's ability to receive accurate shadow reports which are essential for assessing the real status of women's rights including right to work at domestic level.^{xxiii} Without NGOs participation, CEDAW Committee is left to rely solely on State reports only, which often biased, incomplete to some information. The lack of shadow report severely restricts the Committee's mandate to conduct meaningful review, and monitor compliance effectively. Thus, while Tanzania provides a model of cooperation between State and NGOs with the CEDAW Committee's process, Afghanistan illustrates how the exclusion of NGOs can weak international human rights monitoring mechanisms and hinder protection effort at national level.

1.4.4 Lack of effective National Human Right Institutions



The absence or ineffectiveness of National Human Rights Institutions (NHRI), severely undermines the implementation and enforcement of international human rights norms. These institutions are essential in interpreting international human rights obligation, monitoring compliance and facilitating dialogue between the State and CEDAW Committee. For example, in countries like South African NHRI work effectively to ensure that there is no any form of discrimination in employment issues. National courts have mandate of dispense justice and equality to all human being including women to enhance protection of Constitutional rights. South Africa presents a notable example of how NHRI including domestic court reflects international human rights obligations including those of CEDAW. In *the Case of Mahlangu and Another V Minister of Labour and Other (CCT306/19) [2020]*^{xiv}, the Constitutional Court of South addressed the discriminatory exclusion of domestic workers including women from compensation under the Compensation for Occupational Injuries and Diseases Act (COIDA). By invoke Section 39(1)(b) of the Constitution of South Africa, the Court emphasized the need to consider international human rights obligations from International human rights conventions including CEDAW, when interpreting constitutional rights. This case illustrates how South Africa domestic institutions including court enhance the protection of women's rights, particularly in employment, and contribute to the realization of the provisions of CEDAW including obligations under Article 11(f) provides obligations to make specific provision for equality in workplace.

This become challenges in the Countries where National institutions like courts and human rights institutions are either ineffective or absence. In the context of Afghanistan, Taliban have suspended all human right institutions deal with protection of women's rights. For example, Ministry of Women's Affairs has placed with Ministry of propagation of Virtue and Prevention of Vice which has established decree that actively enforce discriminatory provisions of restricting women's freedom of movement as the result Afghan women fails to access basic services like employment. In doing so, it directly undermines the implementation of international human rights obligations particularly those that Afghanistan has ratified including CEDAW. The absence of an independent NHRI leaves CEDAW Committee with no credible national counterpart to engage with. Unlike countries Tanzania and South Africa where National Human Rights Institutions actively collaborate with international treaty bodies such as CEDAW committee and support enforcement of women's rights. Afghanistan now lacks even the basic institutional framework required for accountability. The enforcement of court system also depends on Islamic interpretation as a result women are still violated their basic fundamental rights. This hinder monitoring process of CEDAW Committee to ensure compliance at national level.

1.4.5 Interpretation of Women's Right to Work under Islamic Sharia and International Commitments

The relationship between Islamic Sharia and international human rights standards presents a significant point of tension particularly regarding the protection of women's rights. The restrictive interpretation of Islamic Sharia law by some regimes like the Taliban in Afghanistan, limits the realization of women's right to work. This interpretation often places women with rigid situation. Interpretation of Sharia rules denying women to choose professions outside the household sphere. In countries like Afghanistan this has led to systematic marginalization of women from public employment and economic participation. Despite the State formal commitment to international human rights treaties including CEDAW, but interpretation of these Islamic Sharia laws becomes supremacy that human rights obligations and standards.

Compare to States like Tanzania which have struggling to solve such challenges regarding interpretation of Sharia in relation to women's rights including right to work, offering a potential model for reconciling religious traditions with universal rights. The critical question that arises is why States like Afghanistan continue to ratify international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), while simultaneously undermines the rights and obligations under these Conventions. CEDAW Committee issue general recommendations, but Afghanistan claims that, its interpretation of Sharia law is supreme as the result ignore recommendations of CEDAW Committee.

1.5 Strategies to Be Taken to Ensure Effectiveness of Enforcement Mechanisms in Protection of Women's Right to Work by the Committee of the Elimination of All Forms of Discrimination Against Women

This part presents the strategies necessary to enhance the effectiveness of mechanisms under CEDAW Committee in protection of women's rights to work. While international human rights instruments such as CEDAW set binding obligations for state parties, the realization of these rights particularly in the context of women's access to employment, its effectiveness depends heavily on how effectively enforcement is supported by both legal and institutional strategies at international, regional, and national levels. The strategic proposals herein are guided by the comparative experiences of South Africa, Tanzania, and Afghanistan, reflecting diverse legal systems and socio-political

1.5.1 To enhance Voluntary Compliance and Strong Enforcement Mechanisms

The CEDAW Committee itself must also adopt stronger follow-up and accountability mechanisms. Currently, the lack of binding authority limits its ability to enforce compliance. One strategy is the Committee to increase its engagement with non-compliant states through urgent inquiries, technical support, and collaborations with other UN bodies like International Court of

Justice to enforce binding obligations to comply. The Committee could collaborate with International Labour Organizations Committee field offices to monitor implementation and offer advisory support. Regular fact-finding missions, like that of 2025, should be institutionalized to assess compliance beyond written reports. The Committee also should review on the mechanisms like that of reporting procedures, to enforce measure which will bind state parities to submit report in a proper time without delay. This will enable the Committee to easy observe the ongoing situation on human rights violence including women's right to work to the member states.

1.5.2 Re-framing Sovereignty as Responsibility, Not Immunity

In the modern human rights era, sovereignty no longer gives states absolute immunity from international scrutiny. Instead, it carries the responsibility to protect and uphold human rights, including women's right to work. South Africa and Tanzania have embraced this view by submitting to international oversight and aligning national laws with CEDAW obligations. In contrast, Afghanistan continues to invoke sovereignty often under the pretext of religion or culture to justify gender-based restrictions. Thus, limiting sovereignty where it obstructs human rights is not interference but enforcement of shared global norms.

Once a country ratifies a treaty like CEDAW, it voluntarily limits aspects of its sovereignty by agreeing to follow the treaty's standards and reporting procedures. Both South Africa and Tanzania have accepted this limitation by integrating CEDAW into domestic law and responding to Committee reviews. Afghanistan, although a ratifying party, has failed to uphold these obligations, which justifies international pressure and CEDAW follow-up actions. The strategy, therefore, lies in reminding states that treaty ratification is a sovereign act of commitment, not an optional declaration. The principle of non-intervention should not be used to paralyse human rights mechanisms. The CEDAW Committee must be empowered to apply stronger accountability tools, including special inquiries, urgent alerts, and coordinated action with UN bodies, even without full state cooperation. These are legitimate under international law when a state, like Afghanistan, systematically violates treaty obligations. Such action does not erode sovereignty but enforces State responsibility.

1.5.3 Establishment of Regional Human Rights Institutions

Regional bodies offer a more culturally contextual and accessible enforcement mechanism than global institutions. They allow peer states to hold each other accountable through regular reviews, judgments, or recommendations. In South Africa and Tanzania, women's rights cases can be escalated beyond national courts to regional forums like the African Court on Human and Peoples' Rights. Afghanistan's lack of a similar regional body means CEDAW Committee actions often remain unenforced, limiting their effectiveness. Therefore, creating regional human rights

mechanisms would amplify CEDAW's enforcement power in the region.

Regional institutions can also provide technical assistance, model laws, and legal harmonization that help states implement their international obligations. In Africa, regional bodies work with national governments to align domestic laws with international standards. South Africa and Tanzania have benefited from this support in formulating gender-sensitive labour laws. For Afghanistan, a regional mechanism could help harmonize Sharia-based legal systems with CEDAW, offer localized training, and guide institutional reform something global bodies may struggle to provide effectively on their own. In the absence of a regional human rights mechanism in South and Central Asia, the CEDAW Committee could encourage sub-regional dialogues and joint reviews where neighbouring states share best practices and assess each other's compliance. Regional diplomatic platforms or trade blocs may also be used to exert peaceful pressure on Afghanistan to fulfil its obligations. Tanzania and South Africa's participation in African regional frameworks may serve as examples for how regional cooperation can support national implementation of women's labour rights.

Regional mechanisms strengthen the global Framework, on the idea that, strengthening of regional human rights institutions is not a replacement for the CEDAW Committee but a critical support mechanism. It ensures closer monitoring, shared responsibility, and localized enforcement of women's rights to work. For Afghanistan, the absence of such a mechanism leaves a serious gap that the CEDAW Committee alone cannot fill. Therefore, promoting the creation or expansion of a regional human rights framework in Asia should be a core strategy in enhancing compliance with CEDAW and ensuring effective protection of women's employment rights.

1.5.4 Establishment of Independent National Human Rights Institutions with strong mechanisms

CEDAW alone cannot ensure compliance unless supported by national actors capable of implementing its standards. South Africa's example, with strong institutions like the Commission for Gender Equality (CGE) and Labour Court, shows how domestic bodies can operationalize international norms. Afghanistan should focus on rebuilding or reforming key labour institutions such as the Ministry of Labour and Labour High Council, with clear mandates for gender equality, monitoring, and enforcement of labour rights for women. This will enable domestic Commitment to Voluntary Compliance. Also, one key strategy for ensuring effective protection of women's right to work is promoting voluntary compliance by state parties, especially through building political will and fostering domestic ownership of international obligations. Countries like Tanzania and South Africa demonstrate that when governments integrate CEDAW obligations into national development goals, voluntary compliance becomes more sustainable. Afghanistan can learn from this by aligning women's right to work with national development agendas, even within

culturally sensitive contexts. Voluntary compliance must be encouraged through consistent government engagement with CEDAW reporting procedures and integration of recommendations into domestic policies.

2 Interpretation of Islamic Sharia in Line with Universal Human Rights Norms

Most of Muslim states including Afghanistan, interpret Islamic Sharia in a way that conflict with women's rights including right to work. They govern with Sharia as the result women's rights being affected. Islamic Sharia is a source of law in many Countries including Tanzania, but the interpretation of this should be in a way that doesn't violate economic rights of women including right to work. All Islamic States including Afghanistan with the support from religious leaders within their state must interpret Sharia law by consider protection of women's right including right to work. Violation of women's right to work are not only global rights but also root in Islamic justice.^{xxv} Religious leaders and others scholars should promotion of contextual interpretation of Sharia through the principle of ijtiḥad or independent reasoning which allow scholars to reinterpret Islamic legal rulings in light of changing of social contexts and modern realities. In case of Afghanistan applying ijtiḥad principle can help reframe the discourse around women's right to work. Afghanistan can also support Islamic human rights instruments as bridging tools. Islamic human rights instruments like Cairo Declaration on Human Rights in Islam can be used as transitional tool to bridge universal norms and religious principles.

2.1 Conclusion

The right to work is a foundational component of both international human rights law and suitable national development. The CEDAW Convention establishes obligations and standards to eliminate all forms of discriminations against women including discrimination in employment. However, as this article has demonstrated, the Committee's ability to monitor State compliance which remains on the political will of State parties in jurisdiction such as Afghanistan which its legal systems are dominated by religious doctrine, Implementation of CEDAW obligations is substantially hindered. This contrasts with countries like South Africa and Tanzania which despite facing their own challenges but they have taken judicial and legislative steps to improve domestic practice with international human rights obligations.

2.2 Recommendations

- Enforcement Mechanisms used by CEDAW Committee should be in a way that, all state parties have a compulsory obligation of submitting periodic report without delaying. This will be effective when Committee add the provision of punishment toward the state parties which are not comply with reporting procedure mechanisms.
- National legal Institutions like Judiciary must work independent as advocacy of justice, equality and fairness to all citizen in Afghanistan. Judiciary has to interpret

national laws according to what the Constitution as the mother law provides. Since, the Constitution provide the obligation of Afghanistan to protect human right and to adhere with international human right obligation then the principle of Pacta Sunt Servanda must be followed. There is the need of repeal the Law of Propagation of Virtue and Prevention of Vice on the provision of restricting women's freedom of movement.

- The government has a duty to create enabling environment to lift women from working with international organization. This will be easy through institutional capacity to enable establishment of Non-government Organizations deal with women's right protection and support them financial and social security.

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- ^{xiv} CEDAW/C/SR.2161, p.
- ^{xv} Article 2(2) of the UN-Charter, 1945
- ^{xvi} Article 12 of Decree No. 94, 2007
- ^{xvii} Article 3 of CIRA, 2004
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